



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/409,376	09/30/1999	CHRISTOPHER SHANE CLAUSSEN	AT-9-99-480	5290

7590 07/08/2004

LAW OFFICE OF JOSEPH R BURWELL
P O BOX 28022
AUSTIN, TX 78755-8022

EXAMINER

SINGH, RACHNA

ART UNIT	PAPER NUMBER
----------	--------------

2176

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/409,376

Applicant(s)

CLAUSSEN ET AL.

Examiner

Rachna Singh

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-38 is/are pending in the application.
- 4a) Of the above claim(s) - is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the following communication: RCE filed 5/1/04, Declaration filed under 37 C.F.R. 1.131 filed 5/1/04.
2. Claims 21-38 are pending. Claims 21, 27, and 33 are independent claims.

Response to Declaration under 37 C.F.R. 1.131

3. The declaration filed on 6/1/04 under 37 CFR 1.131 has been considered but is ineffective to overcome the Eduardo Peligri-Lopart et al., *Java Server Pages*™ *Specification* (Version 1.1 Public Release, August 18, 1999) reference.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Eduardo Peligri-Lopart et al., *Java Server Pages*™ *Specification* (Version 1.1 Public Release, August 18, 1999) reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

Applicant's affidavit must disclose the claimed invention and the applicant should explain how the IBM disclosure corresponds to the specific claims. For example, the applicant claim cites limitations such as generating a DOM tree, processing the DOM tree to represent a web page, replacing custom tags in the DOM tree, and processing the DOM tree to generate a servlet having a method call that is generated as a result of processing the script, wherein execution of the method call invokes the method in the

Java object, etc, are not disclosed in the "Idea of a Disclosure" statement. Applicant is requested to map out exactly how the claim limitations are comprehended in the IBM disclosure.

The evidence submitted is insufficient to establish applicant's alleged actual reduction to practice of the invention in this country or a NAFTA or WTO member country after the effective date of the Eduardo Peligri-Lopart et al., *Java Server Pages*™ *Specification* (Version 1.1 Public Release, August 18, 1999) reference.

Applicant's claim that he is named under "Acknowledgements" of the "JavaServer Pages Specification" does not serve as evidence of reduction to practice, as it does not indicate in what way and in what scope the Inventor contributed to the disclosure.

Applicant states that the deleted dates from Exhibit A are prior to August 18, 1999. Examiner points out that page 2 of the IBM disclosure cites a date of 12/99 for JSPx or XSP product. An explanation of why the disclosure cites a date that is after the August 18th, 1999 date of Disclosure would be appreciated.

Examiner requests Applicant to present any disclosures, publications, or sales information that have been cited in the IBM Invention Disclosure on pages 2-3 to conform with 37 CFR 1.105.

Specification

4. The specification is objected to because it contains a copyright notice that does not conform with 37 CFR 1.71, which provides in relevant part:

(d) A copyright or mask work notice may be placed in a design or utility patent application adjacent to copyright and mask work material contained therein. The notice may appear at any appropriate portion of the patent application disclosure.

Art Unit: 2176

For notices in drawings, see § 1.84(s). The content of the notice must be limited to only those elements provided for by law. For example, "©1983 John Doe" (17 U.S.C. 401) and "*M* John Doe" (17 U.S.C. 909) would be properly limited and, under current statutes, legally sufficient notices of copyright and mask work, respectively. Inclusion of a copyright or mask work notice will be permitted only if the authorization language set forth in paragraph (e) of this section is included at the beginning (preferably as the first paragraph) of the specification.

(e) The authorization shall read as follows:

A portion of the disclosure of this patent document contains material which is subject to (copyright or mask work) protection. The (copyright or mask work) owner has no objection to the facsimile reproduction by any- one of the patent document or the patent disclosure, as it appears in the Patent and Trademark Office patent file or records, but otherwise reserves all (copyright or mask work) rights whatsoever.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. **Claims 21-23, 25-29, 31-35, and 36-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,125,391 to Meltzer et al., issued September 26, 2000, filed October 16, 1998 in view of Eduardo Peligri-Lopart et al., *Java Server Pages™ Specification* (Version 1.1 Public Release, August 18, 1999) and U.S. Patent Number 6,212,640 B1 to Abdelnur et al., issued April 3, 2001, filed March 25, 1999.

Regarding **independent claims 21 and 27**, Meltzer et al. teach prior to receiving a request, generating a java object that implements an interface that defines a method for performing a function against an element in a DOM tree inasmuch as Meltzer et al. teach a JAVA walker that generates event from a DOM tree. (Meltzer et al., col. 28, lines 25-28.)

Meltzer et al. do not teach that the request is for a web page and that the DOM tree represents a web page, but Peligri-Lopart et al. in the context of using Java objects to dynamically generate web pages teach representing requested web pages with DOM trees in Section 1.5. Moreover, one of ordinary skill in the art would have recognized that Peligri-Lopart et al. taught a method that allowed for modular, reusable components. Therefore, it would have been obvious to one of ordinary skill in the art to have the request be for a web page and to have the DOM tree represent a web page.

Further, Meltzer et al. teach generating a DOM tree in response to an initial request (Meltzer et al., col. 28, lines 11-15), and as discussed above it would have been obvious to one of ordinary skill in the art to have the DOM tree represent the web page.

Further, Meltzer et al. do not teach replacing a custom tag in the DOM tree with a script. However, Peligri-Lopart et al. teach custom tags in the DOM tree (Peligri-Lopart et al., Section 1.6.4, lines 6) and further teach replacing custom tags with scripts (Peligri-Lopart et al., page 89, line 7-8: "A custom tag may create some server-side objects and make them available to the scripting elements by creating or updating some scripting variables to refer to these objects.") Moreover, one of ordinary skill in the art would have recognized that the ability to replace custom tags with scripts provided additional programmatic flexibility. Therefore, it would have been obvious to one of ordinary skill in the art to replace a custom tag in the DOM tree with a script.

Further, Meltzer et al. do not teach processing the DOM tree to generate a servlet having a method call that is generated as a result of processing the script, wherein execution of the method call invokes the method in the Java object. However,

Art Unit: 2176

Peligri-Lopart et al. teach a servlet having a method call that is generated as a result of processing the script. (Peligri-Lopart et al., page 89, lines 7-11). Moreover, Abdelnur et al. teach using a servlet as an intermediary between an application and a resource server (Abdelnur et al., col. 8, lines 65-67), and also teach that the benefit of doing so is that such a use of a servlet allows enforcement of a security scheme. (Abdelnur et al., col. 8, lines 53-62.) Further, given that the servlet was created for the purpose of processing the DOM tree, it would have been obvious to one of ordinary skill in the art to have execution of the method call invoke the method in the Java object, and therefore, it would have been obvious to one of ordinary skill in the art to process the DOM tree to generate a servlet having a method call that is generated as a result of processing the script, wherein execution of the method call invokes the method in the Java object.

Further, Meltzer et al. do not teach in response to a request for the web page executing the servlet and invoking the method in the Java object. However, inasmuch as it would have been obvious to one of ordinary skill in the art to generate the servlet and the method in the Java object for the purpose of returning the web page, it would also have been obvious to one of ordinary skill in the art to execute the servlet and invoke the method in the Java object in response to a request for the web page.

Regarding **independent claim 33**, Meltzer et al. teach a processor and a system memory. (Meltzer et al., col. 9, lines 17-25.)

Further the rejection of claims 21 and 27 above is fully incorporated herein.

Regarding **dependent claims 22, 28, and 34**, Meltzer et al. do not teach passing into the method an element in the DOM tree representing the custom tag. However, one of ordinary skill in the art would have understood Peligri-Lopart et al. to teach this step inasmuch as Peligri-Lopart et al. teach a custom tag that is used to invoke processing on the document. (Peligri-Lopart et al., page 89, lines 7-11.) Moreover, one of ordinary skill in the art would have understood that this step would have allowed taking advantage of the extended functionality made possible by custom tags. Therefore, it would have been obvious to one of ordinary skill in the art to pass into the method an element in the DOM tree representing the custom tag.

Regarding **dependent claims 23, 29, and 35**, Meltzer et al. do not disclose processing a given file into XML compliant code. However, inasmuch as Meltzer et al. teach using XML documents (*e.g.*, Meltzer et al., col. 10, lines 22-45), it would have been obvious to one of ordinary skill in the art to process a given file into XML compliant code because one of ordinary skill would have recognized, as Meltzer et al. teach (col. 2, line 38), that XML enables documents to be easily understood between applications.

Further, Meltzer et al. teach translating the XML compliant code to generate the DOM tree. (Meltzer et al., col. 28, lines 8-23.)

Regarding **dependent claims 25, 31, and 37**, Meltzer et al. do not teach that access to the servlet is unrestricted and access to the object is restricted. However, Abdelnur et al. teach having a servlet with unrestricted access being able to call to an object to which access is restricted, and further teach that this arrangement allows enforcement of a security scheme. (Abdelnur et al., col. 8, lines 53-67.) Therefore, it

would have been obvious to one of ordinary skill in the art to have made access to the servlet unrestricted and access to the object restricted.

Regarding **dependent claims 26, 32, and 38**, Meltzer et al. do not teach registering a set of custom tags in a tag library wherein the tag library contains one or more elements defining custom tags, wherein an element defining a custom tag contains an attribute for a tag handler that processes an instance of the custom tag, wherein the Java object is a tag handler. However, Peligri-Lopart et al. on page 86 describe tag libraries with one or more elements defining custom tags, and the examples in Appendix A (see pages 124-126) clearly teach elements defining custom tags containing attributes for tag handlers that process custom tags. Further, Peligri-Lopart et al. teach registering custom tags in a tag library inasmuch as in lines 1-4 of Section 2.7.7 on page 50 they teach a collection of tags called a "tag library" and further teach that the tags are identified with a "taglib" directive. Further, Peligri-Lopart et al. teach a tag handler as a java object in Section 5.3 on page 98. Moreover, Peligri-Lopart et al. would have provided one of ordinary skill in the art with motivation to implement its teaching by explaining on page 86 that custom tags abstract functionality and enable "a more natural expression of that functionality within JSP pages." Also, the benefits of centrally maintained, reusable components were well known in the art at the time of applicants' claimed invention. Therefore, it would have been obvious to one of ordinary skill in the art to implement a tag library registering a set of custom tags in a tag wherein the tag library tag library contains one or more elements defining custom tags, wherein

an element defining a custom tag contains an attribute for a tag handler that processes an instance of the custom tag, wherein the Java object is a tag handler.

7. **Claims 24, 30, and 36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Meltzer et al. in view of Peligri-Lopart et al. and Abdelnur et al. and further in view of Laurence Vanhelsuwé, *Mastering Java Beans* (Sybex: 1997).

Meltzer et al. do not teach that the object is a Java bean. However, *Mastering Java Beans* teaches Java Beans as objects that have methods. Moreover, *Mastering Java Beans* teaches on pages 33-34 that Java Beans have the benefits of offering reusable functionality and being platform-independent. Therefore, it would have been obvious to one of ordinary skill in the art to have made the object a Java bean.

Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rachna Singh whose telephone number is 703.305.1952. The examiner can normally be reached on M-F (8:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 703.305.9792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2176

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RS
6/25/04


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER